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Paper No. 11

Perkins Coie LLP/AWS  
PO Box 1247  
Seattle, WA 98111-1247

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**JUL 08 2003**

**OFFICE OF PETITIONS**

In re Application of :  
Jayson Newlin :  
Application No. 09/745,209 : DECISION GRANTING PETITION  
Filed: December 21, 2000 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 1999-0543 :

This is a decision on the petition, filed June 19, 2003, under 37 CFR 1.137(b), and supplemented on July 3, 2003, to revive the instant nonprovisional application.

The petition is GRANTED.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on December 20, 2001. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) to revive for failure to timely notify the Office of the filing of an application in a foreign country must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the

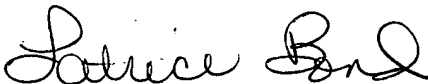
required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

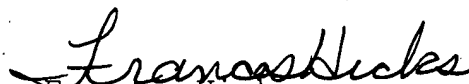
The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 16, 2003 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Latrice Bond at (703) 308-6911.

This application is being forwarded to Technology Center Art Unit 2645 for further examination in due course.



Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Frances Hicks  
Petitions Examiner

**ATTACHMENT: Notice Regarding Rescission of Nonpublication Request**


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UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/745,209	12/21/2000	Jayson Newlin	1999-0543

**CONFIRMATION NO. 8116**

30083  
 PERKINS COIE LLP/AWS  
 P.O. BOX 1247  
 SEATTLE, WA 98111-1247



Date Mailed: 07/08/2003

**NOTICE REGARDING RESCISSION OF NONPUBLICATION REQUEST**

Applicant's rescission of the previously-filed nonpublication request is acknowledged. The rescission has been reflected in the Office's computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 10/16/2003.

If the applicant filed the application with a nonpublication request and then subsequently filed an application directed to the invention disclosed in the application with the nonpublication request in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, applicant was required to provide notice of foreign filing within 45 days after the date of the filing of such foreign or international application. If the rescission did not contain the notice of foreign filing (e.g., the PTO/SB/36, version 10/01 was not used), or if the notice of foreign filing was not filed within the 45 day period, the application is ABANDONED, and a petition under 37 CFR 1.137(b)/(f) is required to be filed. (See 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c).)

Any petition, filed with the rescission, under 37 CFR 1.137(b)/(f) to revive the application is being forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).